

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed April 7, 2005. Claims 1-41 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-41. Reconsideration of the rejections is respectfully requested.

I. Summary of Examiner's Rejections

1. Claims 35, 37, 38 and 40 were rejected under 35 U.S.C. §102(e) as being anticipated by *Cannell et al.* (U.S. Patent No. 6,850,604), hereinafter *Cannell*.
2. Claims 1-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Cannell*, in view of *Johnson* (U.S. Patent No. 6,366,578), hereinafter *Johnson*.
3. Claims 9-10, 12, and 14-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Cannell*.
4. Claims 11 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Cannell*.
5. Claims 19, 21 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Cannell* in view of *Ackley* (U.S. Patent No. 6,212,401) hereinafter *Ackley*.
6. Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Cannell* in view of *Ackley*, and further in view of *Johnson*.
7. Claims 23-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Cannell*.
8. Claims 27-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Cannell*.
9. Claim 36 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Cannell*, as applied to Claim 35, in view of *Alfred*.
10. Claims 39 and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable *Cannell*, as applied to Claims 38 and 40, in view of *Johnson*.

II. Response to Rejections - Date of the Claimed Invention Sworn Behind of Cannell

Applicants have attached Affidavits under 37 CFR 1.131, executed by each of the Applicants-Lester D. Nelson, Laurent Denoue, William N. Schilit, and Elizabeth F. Churchill-indicating that the invention of the claims was conceived and reduced to practice by the Applicants prior to May 31, 2001, the filing date of *Cannell*. Exhibit 1 in the Affidavit is a copy of FXPAL (Fuji Xerox Palo Alto Lab) Invention Proposal (FXPAL-IP-01-005) entitled, "Multi-Channel Quiet Calls, a method and system for interleaving communication amongst multiple voice paths" submitted internally prior to May, 2001, which demonstrates the conception and actual reduction to practice of the claimed invention prior to *Cannell*. Thus, Applicants respectfully submit that the *Cannell* reference upon which all the 35 USC §102(e) and §103(a) rejections are based has been effectively sworn behind by the Applicants, and request that the rejections be withdrawn.


III. Conclusion

The references cited by the Examiner but not relied upon have been reviewed, but are not believed to render the claims unpatentable. In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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